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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,040	01/31/2001	Hiromitsu Nishikawa	35.G2726	2121

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EXAMINER

LAVIN, CHRISTOPHER L

ART UNIT PAPER NUMBER

2621

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/774,040

Applicant(s)

NISHIKAWA ET AL.

Examiner

Christopher L Lavin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

### ***Claim Objections***

2. Claims 1 – 52 are objected to because of the following informalities: the claims appear to be poor English translations from a foreign patent application. The examiner has provided suggested corrections for several of the more egregious errors, where confusion could exist over the meaning of the claims. The claims should be rewritten in proper English. Appropriate correction is required.
3. In regards to claim 1, the final paragraph should be replaced with something along the lines of, “controlling means for determining whether the judging means should be initiated based on the results of the comparing means.”
4. In regards to claim 4, the claim should be replaced with something along the lines of “An image processing apparatus according to claim 1 further comprising, checking means for determining if the input image data is a copy-prohibited object based on the result of said judging means in the case where said input image resolution is at least as large as a predetermined standard resolution.”
5. In regards to claim 7, the claim should be replaced with something along the lines of “An image processing apparatus according to claim 5, wherein the image data output is prevented based on a result from the checking means.”

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6. In regards to claim 8, the claim should be replaced with something along the lines of "An image processing apparatus according to claim 1 wherein said control means bases determines that the judging means should not be initiated when the resolution of said input image data is less than a predetermined standard resolution."

7. In regards to claim 9, the claim should be replaced with something along the lines of "An image processing apparatus according to claim 1, wherein said judging means is prevented from executing by said controlling means when said input image data resolution is not between two predetermined resolutions in this case information is attached to the input image data. "

8. In regards to claim 12, the claim should be replaced with something along the lines of "An image processing apparatus according to claim 9, wherein said information attached to the input image data in the case when said input image data is not a copy-prohibited object."

9. In regards to claim 13, the claim should be replaced with something along the lines of "An image processing apparatus according to claim 1, wherein said judging means is prevented from executing by said control means when the input image resolution is less than a predetermined resolution."

10. In regards to claim 15, the claim should be replaced with something along the lines of "An image processing apparatus according to claim 1, wherein said judging means is allowed to execute by said controlling means when said input image data resolution is between two predetermined resolutions."

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11. In regards to claim 17, the claim should be replaced with something along the lines of "An image processing apparatus according to claim 16, wherein information specifying a particular storage media is attached to said input image data when said input image data is from the particular storage media; and

wherein information specifying the network address of a sender of said input image data and/or a network address of a receiver of said input image data is attached to said input image data when said input image data is received from a network.

12. In regards to claim 17, the claim should be replaced with something along the lines of "An image processing method comprising:

comparing image resolution of an input image data and information of a predetermined standard resolution;

judging whether the image data includes specific information relating to copy protection;

determining whether the judging step should be initiated based on the results of the comparing operation."

13. In regards to claim 21, the claim should be corrected along the same lines as claim 4.

14. In regards to claim 24, the claim should be corrected along the same lines as claim 7.

15. In regards to claim 25, the claim should be corrected along the same lines as claim 8.

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16. In regards to claim 26, the claim should be corrected along the same lines as claim 9.

17. In regards to claim 29, the claim should be corrected along the same lines as claim 12.

18. In regards to claim 30, the claim should be corrected along the same lines as claim 13.

19. In regards to claim 32, the claim should be corrected along the same lines as claim 15.

20. In regards to claim 34, the claim should be corrected along the same lines as claim 17.

21. In regards to claim 35, the claim should be corrected along the same lines as claim 1.

### ***Allowable Subject Matter***

22. The following is a statement of reasons for the indication of allowable subject matter: The art of record does not teach nor does it suggest the specific features called for in the claims, particularly the step of using a resolution threshold to determine whether or not to check for a watermark.

### ***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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24. US Pat. 6,037,925 discloses an operation using a resolution threshold.
25. US Pat. 6,449,386 discloses a system where a resolution threshold is used to determine if an image is satisfactory.
26. US Pat. 6,741,758 discloses that the amount of information to be watermarked to an image can be controlled by the resolution of the image.
27. US Pat. 5,845,008 discloses a system that prevents copying of copy-prohibited objects.
28. US Pat. 5,430,525 teaches that the correlation between resolution and counterfeiting.
29. This application is in condition for allowance except for the following formal matters:

The specification and claims have been objected to due to a poor English translation from a foreign patent application. Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

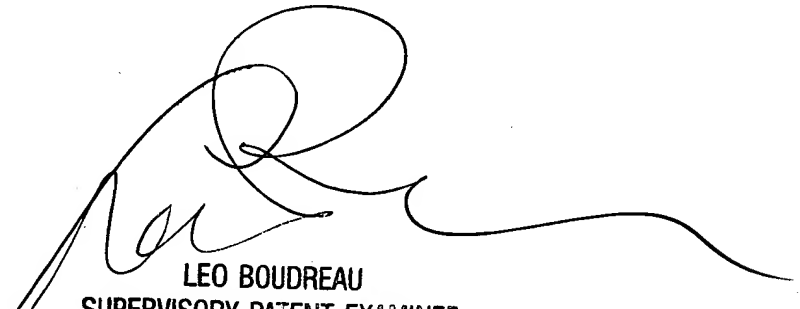
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher L Lavin whose telephone number is 703-306-4220. The examiner can normally be reached on M - F (8:30 - 5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CLL



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